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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,806	04/30/2001	Futoshi Hachimura	862.1431 Div.	2367
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FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER SHARMA, SUJATHA R	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/843,806	Applicant(s) HACHIMURA ET AL.	
	Examiner Sujatha Sharma	Art Unit 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-55,58,61-66,72 and 75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-55,58,61-66,72 and 75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 45,50,55,58,72 are rejected under 35 U.S.C. 102(b) as being anticipated by Hashimoto [US 5,255,308].

Regarding claims 45,50,55,58,72 Hashimoto discloses a wide area cordless telephone system capable of receiving incoming group address calls. Hashimoto further discloses:

- A link establishing unit (access units 4 in Fig. 1) adapted to establish links between the control apparatus (radio control unit 3 in Fig. 1) and the first and second communication apparatuses (mobile units 5 in Fig. 1) respectively in accordance with the detection of an incoming call; See col. 1, lines 42-61
- A link maintaining unit (access unit 4 in fig. 1) adapted to maintain the link between the control apparatus (radio control unit 3 in fig. 1) and the second communication apparatus even if the first communication apparatus responds to the incoming call and starts communication with a communication partner. See col. 1, lines 42-61, col. 3, lines 10-20, and col. 4, lines 30-57.

Regarding claims 64,65, Hashimoto further discloses a method wherein the link maintaining unit maintains the wireless link of the second communication apparatus after the first wireless

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communication apparatus responds to the incoming call and the wireless control apparatus halts ringing of the second wireless communication apparatus. See col. 1, lines 42-61, col. 3, lines 10-20.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 46,51, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto [US 5,255,308] in view of Mizikovsky [US 5,559,860].

Regarding claim 46,51,59, Hashimoto discloses all the limitations as claimed. However he does not disclose the cordless unit to be one with voice and data capabilities.

Mizikovsky teaches a method wherein the control unit handles both voice and data communications and a communication link is maintained upon recognition of the voice and data communication link. See summary of invention, col. 7, lines 5-50

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Mizikovsky to Hashimoto in order to provide a composite access point apparatus to the user with economical advantages and further the communications system can thus be integrated into a packet-switching communication

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network with little expenditure which is an advantageous characteristic particularly with regard to the present development of ever more powerful packet-switching communication networks.

5. Claims 47,48,49,52,53,54, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto [US 5,255,308] in view of Nakamura [JP 57007666].

Regarding claims 47,49,52,54,60, Hashimoto discloses all the limitations as claimed. However he does not disclose a method where the link-maintaining unit cuts the link to the second communication apparatus after the first communication apparatus starts communication with the communication partner and a predetermined time has passed.

Nakamura teaches a method where the link-maintaining unit (central controller in this case) cuts the wireless link to the second wireless communication apparatus after the first communication apparatus starts communication with the communication partner and a predetermined time has passed. See abstract.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Nakamura to Hashimoto in order To avoid in vain holding of related equipment for a long time, by releasing a request originating connection path when a called subscriber does not answer within a predetermined no-answer time.

6. Claims 61, 66 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto [US 5,255,308] in view of Childress [US 4,682,367].

Regarding claims 61,66 and 75, Hashimoto discloses all the limitations as claimed. However he does not disclose a method the third apparatus communicates with the first and second apparatus and the channel maintaining unit is adapted to maintain a communication channel used

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for communication with the second apparatus while the first apparatus communicates with the third apparatus.

Childress teaches a method for mobile radio communication with a join feature. Childress discloses a method where a third apparatus can join in the communication channel that is already in place between the first and second apparatus and thus continuing the communication channel to be used between the first and the third apparatus as in teleconferencing. See col. 5, lines line 27 – col. 6, line 32.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Childress to Hashimoto in order facilitate a conference call between the various users.

7. Claims 62,63,76,77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto [US 5,255,308] and Childress [US 4,682,367] in view of Mizikovsky [US 5,559,860].

Regarding claim 62,63, Hashimoto as modified by Childress discloses all the limitations as claimed. However he does not discloses the cordless unit to be one with voice and data capabilities.

Mizikovsky teaches a method wherein the wireless control unit handles both voice and data communications and a communication link is maintained upon recognition of the voice and data communication link. See summary of invention, col. 7, lines 5-50

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Mizikovsky to modified Hashimoto in order to provide a composite access point apparatus to the user with economical advantages and

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further the communications system can thus be integrated into a packet-switching communication network with little expenditure which is an advantageous characteristic particularly with regard to the present development of ever more powerful packet-switching communication networks.

Response to Arguments

1. Applicant's arguments filed 7/16/2004 have been fully considered but they are not persuasive.

The applicant argues that the primary reference fails to teach a method wherein the control apparatus maintains a link with the second communication apparatus even if the first communication apparatus responds to the incoming call.

The examiner disagrees and draws the applicant's attention to Hashimoto reference and particularly to col. 3, lines 10-20 and col. 4, line 30 – col. 5, line 5. Hashimoto teaches a method where an incoming call is first received by the control apparatus, it starts the process of alerting the multiple communication apparatuses connected to the control apparatus. It starts with $i=1$ and if the first communication apparatus responds/ goes off-hook, then the control apparatus while maintaining the link with the first communication apparatus, alerts the next communication apparatus i.e. $i=2$ and thus goes through the process of alerting all the units connected to the control apparatus while maintaining the link with the previously connected communication unit. Hashimoto thus teaches all the limitations as claimed. Therefor the rejections of the claims 45-55,58,61-66,72 and 75 as discussed above are considered proper.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sujatha Sharma
March 15, 2004


NAY MAUNG

SUPERVISORY PATENT EXAMINER